

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/643,388	CUSHMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Filip Zec	3744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Afterfinal Amendment filed on 5/25/05.
2. ☒ The allowed claim(s) is/are 1-14, 16, 17 and 19-22.
3. ☒ The drawings filed on 19 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance: The prior art does not anticipate nor render obvious the combination set forth in the independent claims, and specifically does not show a damper movable between an open position and a closed position for controlling airflow within the duct, a refrigeration apparatus having a refrigeration cycle being measured from a first starting of the refrigeration apparatus to a second consecutive starting of the refrigeration apparatus, and an off cycle being a time within said refrigeration not operating, a controller for controlling the damper, wherein if the controller determines that the door has remained closed for a set number of refrigeration cycles, the controller maintains the damper in the closed position during a subsequent consecutive off cycle and wherein the controller carries out a damper cleaning operation in which the controller at least partially opens and then at least partially closes the damper a set number of times at a set interval.

U.S. Patent 4,013,434 to Kronenberger et al. teaches a hydrator drawer cover with adjustable moisture control damper and guide that enables the user to vary the amount of moisture therein by adjustable side vents and U.S. Patent 6,125,641 to Kim et al. teaches a method for preventing formation of ice on a damper in a refrigerator, comprising the steps of (1) driving a compressor and a fan and opening baffles if a freezing room temperature is lower than a freezing room reference temperature and a chilling room temperature is lower than a chilling room reference temperature, (2) comparing the chilling room temperature to the chilling room reference temperature, to close the baffles if the chilling room temperature is lower than the chilling room reference temperature, (3) comparing the freezing room temperature to the freezing room reference temperature, to stop the compressor and the fan if the freezing room

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temperature is lower than the freezing room reference temperature, (4) comparing an outside temperature of the refrigerator to an outside reference temperature, to return back to the step (1) if the outside temperature of the refrigerator is higher than the outside reference temperature, and determining chilling room door of being opened if the outside temperature of the refrigerator is lower than the outside reference temperature, and (5) comparing a temperature difference before and after opening/closing of the chilling room door to a given reference temperature, to return back to the step (1) if the temperature difference is lower than the reference temperature, and to open the baffles of the damper and to drive the fan for a given time period if the temperature difference is higher than the reference temperature, however none of the prior art references teach a controller for controlling the damper, wherein if the controller determines that the door has remained closed for a set number of refrigeration cycles, the controller maintains the damper in the closed position during a subsequent consecutive off cycle and wherein the controller carries out a damper cleaning operation in which the controller at least partially opens and then at least partially closes the damper a set number of times at a set interval.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is (571) 272-4815. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Filip Zec

Examiner

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**CHERYL TYLER**

**SUPERVISORY PATENT EXAMINER**

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